

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JASON JORJANI,

Plaintiff,

v.

**NEW JERSEY INSTITUTE OF
TECHNOLOGY, *et al.*,**

Defendants.

Civil Action No. 18-11693 (WJM) (JSA)

Civil Action No. 20-1422 (WJM) (JSA)

(CONSOLIDATED)

ORDER

THIS MATTER comes before the Court by way of plaintiff Jason Jorjani's ("Plaintiff") motion to: (1) restore his previously filed cross-motion to unseal, and (2) unseal certain documents filed in redacted form and other documents filed in unredacted form on the Court's official docket, pursuant to Local Civil Rule 5.3(c) (ECF No. 65 Civil Action 2:18-cv-11693); and

WHEREAS Defendants Fadi P. Deek, Eric Katz, Denise Anderson, Basil Baltzis, Matthew Golden, Holly Stern, Christine Li, Stephen A. DePalma, Vincent L. DeCaprio, Lawrence A. Raiai, Dennis M. Bone, Peter A. Cistaro, Diane Montalto, Joseph M. Taylor, and Dennis M. Toft, along with Defendants New Jersey Institute of Technology, Joel S. Bloom, and Kevin D. Belfield (collectively "Defendants") had previously filed a motion to seal certain documents (ECF No. 16), in the civil action captioned, *Jason Jorjani v. Fadi P. Deek, et al.*, Civ. No. 20-1422, before the Hon. Mark Falk, U.S.C.M.J., issued an Order of Consolidation for all purposes (ECF No. 38 in Civil Action No. 20-1422; ECF No. 56 in Civil Action No. 18-11693); and

WHEREAS Plaintiff had previously filed a copy of the instant motion to unseal as a

cross-motion (ECF No. 18 in Civil Action No. 20-1422) to Defendants' motion to seal (ECF No. 16 in Civil Action No. 20-1422); and

WHEREAS Defendants opposed Plaintiff's prior cross-motion to unseal (ECF No. 24 in Civil Action No. 20-1422), on the basis that the cross-motion does not comply with Local Civil Rule 5.3(c); and

WHEREAS Local Civil Rule 5.3(c)(1) states, in relevant part, a motion to seal "shall ordinarily be made on notice, by a single, consolidated motion on behalf of all parties, unless otherwise ordered by the Court on a case-by-case basis." L.Civ.R. 5.3(c)(1); and

WHEREAS Rule 5.3(c) does not specifically allow for opposition to be filed by way of a separate brief, motion, or cross-motion. *Id.* Rather, Local Civil Rule 5.3(c)(3) states, in relevant part, that "objections to seal any material" must include: "(g) the materials to which there is an objection; (h) the basis for the objection; and (i) if the material or information was previously sealed by the Court in the pending action, why the materials should not be maintained under seal." L.Civ.R. 5.3(c)(3)(g)-(i); and

WHEREAS Local Civil Rule 5.3(c)(3) further requires that any such objections to sealing materials must be included as part of the index in support of sealing in a "form suggested by Appendix U...." *Id.*; and

WHEREAS based on this Court's careful review and consideration of Plaintiff's instant motion, it appears that the motion does not comply with the requirements set forth in Local Civil Rule 5.3(c), governing motions to seal and any objections thereto,

IT IS on this 14th day of July 2021,

ORDERED that Plaintiff's motion to restore his previously filed cross-motion to unseal and to unseal certain documents filed in redacted form and other documents filed in unredacted

form on the Court's official docket, pursuant to Local Civil Rule 5.3(c) (ECF No. 65 Civil Action 2:18-cv-11693) is **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk is directed to maintain the temporarily sealed documents and materials under seal, pursuant to Local Civil Rule 5.3(c)(4), until further ordered; and it is further

ORDERED that Defendants and/or the parties shall file a renewed single, consolidated motion to seal any such materials, which includes Plaintiff's objections, if any, to sealing, in compliance with the requirements of Local Civil Rule 5.3(c)(1) and (3) **on or before August 6, 2021**, or any documents submitted under temporary sealing shall become public; and it is further

ORDERED that the Clerk of the Court shall terminate the motion at ECF No. 65.

s/ Jessica S. Allen

Jessica S. Allen

United States Magistrate Judge

cc: Hon. William J. Martini, U.S.D.J.